


Facsimile

MS. GWENDOLYN-KEYS-FLEMING
To: Region IV Administrator

Fax Number:

Company: U.S.E.P.A.
Atlanta, GA.

404-562-9961

From: Dan Check 
P.O. Box 3271, Meridian, MS. 39303
RE: 601-604-3388

Date: December 9, 2010

URGENT RESPONSE
REQUESTED!

Pages: 7, Including Cover Sheet

Comments: SUBJECT: 40+ Year Old C.A.F.O. Polluting 303-D Impaired
Sowashee Creek, Meridian, Mississippi.

Miller Cattle Co. 5125 Old Hwy 45 N.,
Meridian, MS. 39301

Latest Application No. MSU008027.

(See Nov. 6, 2010 letter/document faxed & emailed
to you.) Check to Smith of
MS. D.E.Q..

68 12/14
REGIONAL ADMINISTRATOR

2010 DEC -8 PM 1:35

MS. Fleming,

The attached six pages is an update status on the MS.D.E.Q.'s participation in an unconsonable farce that has now cost an 84 year old man in a wheel chair and his 88 year old wife with cancer, The Lindley Family, a forced bank foreclosure of their property that is contiguous to the above mentioned NEVER permitted C.A.F.O. that, in addition, the B.A.F.O. has been polluting the 303-D Sowashee Creek for over 40 years.

Again, we have presented through faxes, meetings, "forced on MS.D.E.Q. Public Hearings, which we videoed, ET ALL, documented proof to NO AVAIL. (Lies/Lies/Lies.)

Over four years of tireless work by many,.....
where do we go? What was your previous occupation?
Awaiting your response.

Thank you.

PLEASE NOTE: This/these matters are, by far, not the exception with the Mississippi Department of Environmental Quality.

YOU WON'T BELIEVE! JUST COME LOOK WITHOUT
THE OVERSITE OF JAMES
"jimmy" PALMER'S PUPPETS.

TODAY....DECEMBER 9, 2010.
Collage of Meridian, MS. C.A.F.O.'s
continued pollution of 303-D Impaired
F.P.A.'s "HELP". (see sources of DO/DOI)
LATEST APPLICATION No. MSU008027.

FORTY YEAR OLD UNPERMITTED C.A.F.O., Miller Cattle Co.,
5125 Old Hwy 45 North, Meridian, Mississippi

BEST OF HOLIDAY WISHES to the LINDLEY FAMILY,

From: Mississippi Department of Environmental Quality
The United State Environmental Protection Agency

OFFICIAL COMPLAINTS FILED OVER
PAST FOUR YEARS INCLUDING
U.S.E.P.A., (60+ pages),
No. R4-09-000-58-05-RA.
MS. D.E.O. Complaints
Filed May 2007.
No. 26566/26582

Exhibit A

C.A.F.O./Miller Cattle Co., (formerly Meridian Order Buyers, (30+ Yrs.--"NO PERMITS), E.P.A. & MS. D.E.Q. known polluting of 303-D/Impaired Sowashie Creek, 1995.

Location: 5125 Old Hwy 45 North, Meridian, MS.

Permit Applications: (Latest "BOGUS" Application), No. MSU008027.

Why "BOGUS"?

OFFICIAL COMPLAINTS FILED:

MS.D.E.Q. May 2007, Nos. 26566/26582.

US E.P.A. April 2009 No. R4-09-000-58-05-RA

1. See video of "PUBLIC HEARING" on March 30, 2010, forced conduction by MS.D.E.Q.. (The MS.D.E.Q. will NOT enforce it's own rules & regulations when it comes to their "BUDDIES".

2. The original NPDS permit was for C.A.F.O. full discharge, but suddenly someone, (??), decided to go with a NO discharge permit. (It's ALL on the PUBLIC's video.), BUT....., look at the above collage, (NOT IN TOTAL), MS. D.E.Q. and their "BUDDIES" have been caught lying...., AGAIN, by the Public. The cow "DO,DO" has been OZZING ON THE GROUND FOR MONTHS! (check the rain schedule, did you say?)

(See Exhibit A,---

3. PROVEN RUN-OFF FROM THIS C.A.F.O. SITE. (Let's go back to the March 30, 2010 MS.D.E.Q. "PUBLIC HEARING" video.) Where's the water samples, Harry Wilson?

4. Let's look at the MS.D.E.Q.'s Permit Applications, in these matters. Then let's look at MS.D.E.Q.'S WPC-1, page 22, Section E. (TheCCA.F.O. owners submitted false applications/Nutrient Plans on property they DID NOT OWN! Harry Wilson, "NO PROBLEM"!

STATUS:

After, (A SECRET issued Administrative Order), issued by MS.D.E.Q.'s Trudy Fisher, false applications/et al, Bogus "Public Hearing", (See Video), Bogus Permit Board "HEARING", Bogus Evidentiary, Hearing November 7, 2010 with final MS.D.E.Q. minute approval December 14, 2010,...(FOUR PLUS YEARS WORTH!)

Cont. next page.

1. The Lindley Family, contiguous land owners of the property the C.A.F.O. owners/operators falsely claimed in their MS.D.E.Q. bogus/false applications/nutrient plans/et al with MS. D.E.Q./E.P.A. personnel help, are now losing their land through bank foreclosure, ... TOMORROW-December 10, 2010. (See Exhibit B attached) Meridian Star legal dated Nov. 19, 2010.

2. How could the MS.D.E.Q./E.P.A. possibly participate/manipulate, through a now 40+ year old UN-PERMITTED C.A.F.O. that, in addition is polluting the 303-D Sowashsee Creek), the bank foreclosure of an 84 year old man in a wheel chair and his 88 year old wife with cancer, property? (See Exhibit C attached) May 21, 2007 letter, (2p.), Love Funding Corporation to developer, canceling a \$17,000,000+/- Upscale apartment complex on the Lindley property.

(Call Matt Anderson, Special Agent, C.I.D./E.P.A. from Washington D.C./was in Jackson, MS., now Pensacola, Fla., phone 805-934-9280. Matt has known through video, fax, Meridian/Jackson meetings for years concerning these proven/documented criminal matters...., WHY NO ACTION???)

3. ANYBODY READY TO GIVE UP?.....NEVER!

4. NOT IN TOTAL,....Do you have anybody with "BALLS" or like/n/kind that would care to review our four plus years of documentation/ET AL?

THANK YOU.

PS: Have the BEST OF HOLIDAYS and if you would take the time, please call the Lindley Family at 601-693-5890 and wish them the same.

Further, the MS.D.E.Q. seemed rather upset that a late request for a continuance of their evidentiary hearing in these matters was sent. Gee, since it took over two years to get a "Public Hearing" this past March,...the MS.D.E.Q. would have a DELAY CONCERN?.....OOPS, "BUDDIES"!

STATE OF MISSISSIPPI
COUNTY OF LAUDERDALE
TRUSTEE'S NOTICE OF SALE
WHEREAS, JOHN E. LINDLEY
and MARIE P. LINDLEY, ex-
ecuted a Deed of Trust to Charles
E. Smith, Trustee for the use and
benefit of The Commercial
Bank(4) Medical Center, which
Deed of Trust was dated the 28th
day of January, 2010, and was
on March 11, 2010 recorded in
Book 2422 at Page 639 of the
land records in the Office of the
Chancery Clerk of Lauderdale
County, Mississippi; and
WHEREAS, default having been
made in the performance of the
conditions and stipulations set
out in the above described Deed
of Trust and the said Trustee
having been requested and di-
rected by said Commercial Bank
to execute the trust and in strict
accordance with the Deed of
Trust aforesaid and the laws of
the State of Mississippi, the
dates for publication of this Trust-
ee's Notice of Sale in The Meri-
dian Star, a newspaper published
in the City of Meridian, Lau-
derdale County, Mississippi, having
been set at the following, to-wit:
The 18th day of November,
2010; the 28th day of November,
2010 and the 3rd day of Decem-
ber, 2010; I will, on the 10th day
of December, 2010, during leg-
al hours, at the west front door
of the Lauderdale County Courthouse
in the City of Meridian,
Mississippi, offer for sale, at pub-
lic auction and sell to the highest
and best bidder for cash, the fol-
lowing described real property be-
ing and being in the County of
Lauderdale, State of Mississippi,
and more particularly described
as follows:

PARCEL 1
Beginning at an iron pin set at
the point of intersection of the
westerly right-of-way (100') of
Old Highway 48 with the southerly
right-of-way (100') of Lindley
Road the true point of beginning;
thence South 33 degrees 02 mi-
nutes 00 seconds West along the
westerly right-of-way 295.16 feet
to an iron pin set; thence North
61 degrees 24 minutes 00 sec-
onds West parallel with said
southerly right-of-way line 295.16
feet to an iron pin set; thence

LEGALS

North 33 degrees 02 minutes 00
seconds East 295.16 feet to an
iron pin set on said southerly
right-of-way; thence South 61 de-
grees 24 minutes 00 seconds
East 295.16 feet to the point of
beginning, being a part of the
SW 1/4 of the SW 1/4 of Section
27, Township 7 North, Range 16
East, Lauderdale County, Missis-
sippi, and containing 2.00 acres,
more or less.

PARCEL 2

Commencing at a 1/2 inch iron
pin set at the point of intersection
of the Westerly right-of-way of
Old Highway 48 with the South-
erly right-of-way of Lindley Road,
thence North 61 degrees 24 mi-
nutes 00 seconds West 295.16
feet to a 1/2 inch iron pin set, the
POINT OF BEGINNING; thence
South 33 degrees 02 minutes 01
seconds West 415.0 feet to a 1/2
inch iron pin set; thence North 61
degrees 24 minutes 00 seconds
West 208.0 feet to a 1/2 inch iron
pin set; thence North 33 degrees
02 minutes 01 seconds East
415.0 feet to a 1/2 inch iron pin
set on the southerly right-of-way
of Lindley Road; thence South 61
degrees 24 minutes 00 seconds
East 208.00 feet to the point of
beginning, being a part of the
SW 1/4 of the SW 1/4 of Section
27, Township 7 North, Range 16
East, Lauderdale County, Missis-
sippi and containing 1.98 acres,
more or less.

PARCEL 3

That parcel of land described as
being within lines beginning at
the NW corner of Section 34,
Township 7 North, Range 16
East, and run thence South 120
feet; thence run South 40 de-
grees 40 minutes East 465.8 feet
to the West boundary line of U.S.
Highway No. 48; thence North 33
degrees 15 minutes East along
the West line of U.S. Highway 48
a distance of 563 feet to the
North line of said Section 34 from
thence run West 815.8 feet to the
point of beginning, said lands be-
ing entirely within and forming a
part of the NW 1/4 of the NW 1/4
of Section 34; Township 7 North,
Range 16 East, Lauderdale
County, Mississippi.

PARCEL 4

Commencing at an iron pin found
marking the Southeast corner of
the Northeast 1/4 of the South-
east 1/4 of Section 28, Township
7 North, Range 16 East, Lau-
derdale County, Mississippi, and ru-
thence North along the East line
of said quarter section for a dis-
tance of 701.31 feet to the point
of beginning of the herein desc-
bed parcel; run thence North 69
degrees 43 minutes 48 seconds
West for a distance of 621.12
feet to a point; run thence North
for a distance of 825.62 feet to
point on the North line of said
quarter section; run thence East
along said North quarter section
line for a distance of 621.13 feet
to a point; run thence South
along the East line of said quar-
ter section for a distance of
625.55 feet to the point of beg-
inning, said parcel being situated
in the Northeast 1/4 of the Sou-
theast 1/4 of Section 28, Townsh-
ip 7 North, Range 16 East, Lau-
derdale County, Mississippi, and
containing 8.96 acres, more or
less.

AND ALSO, a perpetual non-e-
clusive easement for ingress a-
egress to and from the above
described property from the East
line of 57th Street to the West
line of the above described prop-
erty.

Title to said property is believed
to be good, but I will convey o-
such title as is vested in me as
Trustee.

This the 15th day of November
2010.

CHARLES E. SM
TRUS

Post Office Box 396
Meridian, MS 39302-0396
601 893-1352


**LOVE FUNDING
CORPORATION**

1250 Connecticut Avenue, NW, Suite 580
Washington, DC 20036
(202) 887-8475
(202) 887-5286 Fax
www.lovefunding.com

May 21, 2007

Michael T. Newman
PLI, LLC
2800 Youree Drive, Suite 310
Shreveport, LA 71104

RE: Balconies at Lindley Apartments
Marion, MS

Dear Mike,

During the past few weeks, it has been brought to the attention of Love Funding Corporation that the proposed apartment site located at 804 Lindley Road is adversely affected by potential odors and nuisances caused by the proximity to Miller Cattle Company. I was not aware of this facility during my site visit, the Phase I Environmental team did not pick up on this incompatible land use and HUD obviously overlooked this land use during their site visit. Based upon further review of aerial photos and reading documented discussions with neighbors, including the current land owners, it appears that the odor problem from cattle manure and carcasses on site results in not only an incompatible land use having adverse environmental implications, but there is also a marketability issue for marketing and leasing new apartment units adjacent to a cattle company emanating adverse odors during various wind conditions.

As you know, Love Funding Corporation is a HUD insured lender and since we are utilizing HUD mortgage insurance for financing of this project, we must follow HUD Environmental standards including the following:

- The proposed project is to be located an area of compatible land uses: The site is in close proximity to a school and a new subdivision is being built across the street. The proximity to cattle yards with potential of odors, flies and vermin attracted to manure and carcasses is not considered a compatible land use.
- The project cannot be unduly affected by nuisances including gas, smoke, fumes and odors. I have read several documents including an EPA Complaint prepared by the owners that complains of alleged environmental violations from the livestock holding and feeding facility known as Meridian Holdings, LLC. The complaint discusses noxious odors, blinding amounts of dust, swarms of black flies, noise from diesel trucks making deliveries and

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Palm Beach • Seattle • St. Louis • Washington, D.C.

Exhibit C

Michael T. Newman
May 21, 2007
Page 2

animal waste draining into the ground. While we have had no groundwater tests at the site, the potential for groundwater contamination is possible.

With the knowledge that we now have an environmental issue that was not known at the beginning of the process and was not divulged in our environmental reports, Love Funding Corporation can no longer continue moving forward with a proposal to utilize the site located at 804 Lindley Road for a HUD insured apartment development. It is important for you to locate a substitute site as soon as possible to avoid losing the pre-application for new apartments in this submarket of Marion.

Please call me with any comments or questions on this matter.

Best regards,


Terry L. Chuvala
First Vice President